

London School of Theology

Fitness to Practice Policy

Process of ratification:	Theology & Counselling Department then Executive Team
Executive Team Member Responsible:	Academic Secretary, Director of Academic Services
Individual Responsible:	Theology & Counselling Programme Leader
Date Last Approved:	September 2023
To be Reviewed:	Every 3 years
Review consultation:	Theology & Counselling Department
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Introduction

1. The Theology and Counselling Department is responsible for ensuring that prospective students, registered students and student counsellors (referred to herein as “students”) in its BACP accredited program (L4, L5 & L6) meet certain expectations and are ‘Fit for Practise’ (referred to herein as “FfP”).
2. In order to ensure that clients are treated in a safe environment and trust their practitioner, all LST and BACP students are asked to confirm before the start of their membership, reconfirm upon renewal and reinstate that they have **read and understood the current Ethical Framework, Articles of Association, regulations, policies and procedures, Professional Conduct Procedure and the associated protocols of BACP.**
3. <https://www.bacp.co.uk/media/3103/bacp-ethical-framework-for-the-counselling-professions-2018.pdf> **This FtP applies to all students to ensure that students are receiving the correct education in approaching their fieldwork and future work with clients.** A client is anyone in receipt of coaching, counselling, pastoral care, psychotherapy or counselling skills from a student of LST.
4. BACP has an ethical framework that creates a structure that underpins the way students and others respond to the needs of different contexts and client’s needs.
5. Should a complaint be made, or staff are concerned that a student is not acting within the ethical framework, they may be subjected to a disciplinary procedure where the student’s FtP will be considered.
6. In order to manage the FtP, process the Theology and Counselling Department has established procedures to consider FfP concerns and/or issues.
7. This policy sets out guidance on how FfP issues are managed, monitored and audited within LST in respect of students in Theology and Counselling Programme.
8. In order to manage this FtP process, the Theology and Counselling Department has established bodies to consider FfP issues:
 - 8.1 the School Fitness for Practice Panel (FfPP), which considers strategic issues and receives regular reports of FfP cases; and
 - 8.2 case-panels which consider individual student cases.
9. This policy provides guidance as to how FfP issues are managed, monitored and audited within LST in respect of students in Theology and Counselling Programme.

Equal Opportunities Policy

10. LST has a commitment to ensure equal opportunity for all students. Its aim is to make full use of the talents and resource of all its students and to provide a healthy environment which will encourage good and productive studying within the organisation. LST is particularly concerned that equality of opportunity is maintained in the following areas:
 - 10.1 recruitment and selection;

10.2 assessments; and

10.3 grievance and disciplinary procedures.

11. LST will ensure that all managers and supervisors with responsibility for any of the areas of particular concern listed above are provided with the appropriate equality and equal opportunities training which may be updated as required. Other staff may also be required to attend equal opportunities training.
12. LST values diversity and inclusion for all students and prospective practitioners.
13. LST are committed to being openly accountable and willing to explain how the obligations and values of this policy have been implemented.

Equality and Diversity

14. LST are committed to creating and sustaining an inclusive and supportive environment for all students. LST values the diversity in the staff and students and encourages students to thrive. This is reflected in the values of LST. LST is committed to emphasising the importance of promoting the rights and dignity of all individuals and encouraging the quality of educational opportunity based on merit, irrespective of beliefs, background or socio-economic status.
15. No student of LST should be unfairly discriminated against. This includes, but is not limited to discrimination due to age, race, sex, gender reassignment, sexual orientation, paternity, pregnancy or maternity.
16. No student should be subjected to bullying, harassment or victimisation of any kind and any student found to be committing or encouraging this behaviour could face termination of enrolment on grounds of gross misconduct.

Recruitment and Selection

17. In recruiting students, LST may assess a students' or students' FfP prior to admission to an accredited programme of study. Below is a non-exhaustive list of what this might include:
 - 17.1 a self-affirmation or self-declaration (as appropriate) of health record (which may also be required on an annual basis);
 - 17.2 references in support of an application;
 - 17.3 an interview;
 - 17.4 a subsequent Disclosure and Barring Service (DBS) and occupational health clearance which may form part of any offer of entry to a programme,
 - 17.5 filling in an equal opportunity form.
18. The T&C Programme has adopted the guidance 'Principles for Recruiting to Professional Programmes' (Appendix 1) which sets-out an overview of its approach.
19. In addition, there is further guidance available for 'Student Code of Practice' (BACP Code of Ethics and Professional framework) which will be referred to in each Programme Handbook and will be covered on the first semester of L4. Students will be made aware of these 'Codes' through the most appropriate communication route at enrolment, 'welcome' and during their studies.
20. In respect of an existing criminal record, this must be declared during enrolment and the programme team will make a judgement on whether the student can enrol.
21. Students on professional programmes are expected to inform LST of any changes in their criminal record during their studies and a professional judgement will then be made on whether the student can continue on the programme.

22. Failure to declare a criminal record that is subsequently revealed post enrolment, on a DBS check or otherwise, could, in most circumstances, lead to disciplinary action and, in certain circumstances; result in discontinuation from the relevant programme.

Research/assessments/placements

23. In the context of this policy, the three main categories of FfP concerns are:
- 22.1 Competence – this is, in the main, judged through the assessment process. If issues of competency and/or safety occur within the fieldwork prior to, or after, the final point of assessment, then a fitness for practice investigation may be required;
 - 22.2 Conduct – if students do not follow their professional body and LST code of practice and Ethical Framework they may be guilty of misconduct – this may be reflected in a criminal conviction or caution, disciplinary action or complaint from service users, placement provider staff, university staff or other students;
 - 22.3 Health – good health is necessary to undertake clinical practice in a way that is safe and effective. Concerns may be raised if there is a long-term untreated or unacknowledged physical or mental health condition, including abuse of, or dependence on, drugs and alcohol. This may be reflected in a caution, disciplinary action or complaint from service users, placement provider staff, university staff or other students.
23. FtP will be assessed on an on-going basis as an integral part of professional programme assessments. There will be specific requirements for the assessment of practice placements. Programme Handbooks and academic staff will clarify the precise requirements as practice assessments are usually built into the normal assessment process.
24. Information provided to students will identify the circumstances where assessment issues may lead to referral on FfP issues. When concerns are raised about a Student's FfP which lead to termination of their placement by the placement provider or the T & C Programme Leader (after discussion with the programme tutors) this may result in an investigation in order to collate evidence for any FfP proceedings. (Please see the relevant Appendices for more discipline related information).
25. It should be noted that breaches of relevant professional programme Ethical framework related to assessment will be reported to the FfP panel (FfPP) for a decision regarding whether there is an issue of professional suitability of the student for continuation on their programme.

Introduction to FtP Panel

26. The FfPP has a strategic overview of all fitness for practise issues raised across its professional programme portfolio. The FfPP delegates responsibility to investigate and consider FfP issues at an operational level specific to counselling area. Cases will be investigated by the relevant designated professional lead which at present is the Programme Leader. All the concerns should be directed to him by the tutors, lecturers, supervisors, public, therapists, clinical managers and placement managers etc.
27. The purpose of the FfP procedures is to:
- allow a proper investigation of any FfP concerns that may be raised;
 - promote, uphold and ensure compliance with appropriate codes of conduct for students;
 - provide the opportunity for referral of a student, in order to advise and guide the student under investigation, of the required steps to ensure fitness for practise. Failure to comply with these suggestions will result in termination of their studies as the student will no longer be fit to practise;
 - protect users within clinical/practice settings (and users of the future); and
 - maintain public confidence in the profession.
- 27.1 The FfPP will implement the following principles through a commitment to:
- be transparent, fair and consistent in the way in which professional judgements on fitness for practise are made;
 - work in conjunction with the Regulations of the LST and Middlesex University;
 - ensure that judgements are made with the assistance of representatives of the academic community and stakeholder partners where possible;
 - encourage that judgements are made on the basis of any externally published guidance on professional conduct for students from those professional bodies which provide accreditation to T & C;
 - utilise as a standard of proof the 'balance of probability' approach in that a fact will be established if it is more likely than not to have happened;
 - enable decisions to be made in a timely manner;
 - in normal circumstances allow any disciplinary processes to be complete before considering FfP issues;
 - allow for students to receive appropriate advice and guidance throughout any FfP procedures and, where appropriate, allow for an appropriate appeals process. (see student guidance in appendix 2).
28. The FfPP is made up of the following individuals:
- Programme Leader as Chair;
 - Academic Dean;
 - Academic Secretary;
 - Fieldwork Leader;
 - Level Tutor;
 - School Executive Administrator;

- Up to 2 academic staff may be co-opted as necessary.
29. Along with the support of key colleagues with responsibility to professional bodies for Student FfP, the FfPP are responsible for:
- 29.1 providing professional judgements on applicants'/Students' FtP where issues falling outside of existing admissions, assessment and disciplinary procedures are identified;
 - 29.2 recording and monitoring the cases that are dealt with by the Panel;
 - 29.3 advising on policy and/or procedural amendments as appropriate;
 - 29.4 providing professional advice on FtP issues to Students.

FfPP Process

30. Students may be passed to the FfPP from a variety of sources (including but not limited to: academic staff, clinical staff, administrative support staff, members of the public, fellow students etc.). Information alleging a FfP matter will not normally be accepted if made on an anonymous basis, but information will be kept confidential as far as possible.
31. FfP matters will be considered according to phases (see Appendix 5 for a flow-chart of the process).

Screening

32. Normally, the Programme Leader (PL) for the Student's programme of study will make an initial decision as to whether the referral constitutes a FfP matter. (If there are any potential conflicts of interest, an alternative PL will be consulted).
33. If a FfP matter is not confirmed, the PL will advise the Student of the matter and provide any guidance in terms of future conduct as appropriate. Any written informal guidance that has been provided will be retained for the duration of the student's studies.

Investigation

34. If a FfP matter is confirmed, the PL will undertake a full investigation (or allocate a named individual to do so) and obtain appropriate statements and other forms of evidence as appropriate.
35. This may include interviewing students and witnesses or gaining feedback from clinical supervisors, clinical managers, personal therapist etc. The PL will arrange for a note-taker at interviews who will provide a summary for agreement between the parties. Students will be given reasonable time to agree to the content of the notes of any meeting/interview. A nil response will be taken as acceptance that they are a true record.
36. Students may be accompanied at any interviews by a friend, representative of a professional body or a representative of LST. Legal representation is not allowed.
37. Prior to the commencement of the investigation a 'Raising Concerns' email will be sent to the Student advising them that a concern has been raised regarding their FfP. This will outline: the concern, the next steps and include the guidance and support available to the student (see Appendix 2).
38. As part of the investigation, any statements obtained must include the full name of the witness, their role, a concise but detailed explanation of their evidence and be signed and dated. A pro-forma Statement of Evidence is provided in Appendix 3 and guidance on a useful investigative approach is provided in Appendix 4(a).
39. The investigator will then supply an evidence report (Report template in Appendix 4(b)) normally to the Academic Dean and Academic Secretary (or other appropriate person as detailed in the relevant discipline appendix), who will not have been engaged in the investigation and who will review the report and make a decision as to whether the investigation needs to proceed.

40. The investigator will try to complete the screening and investigation within 20 working days of the initial notification of the matter whereupon the student will be informed of next steps. In certain complex cases, or where there are circumstances beyond the control of the investigator, this process may take longer. If there is a delay, the student will be notified of the expected date of completion of this stage.
41. The FfP assigned person will collate the evidence to be reviewed, normally within 5 working days of receipt, before sending a letter to the Student (the 'Notification') which will clearly state the matters that constitute the FfP referral. In this, there will be links to the appropriate professional code of Ethics and Professional Framework and guidance. The Notification to the student will request;
 - a reflective statement and any evidence that s/he wishes to be considered;
 - identification of any evidence that will be challenged;
 - identification of any supporting witnesses that could give evidence; and
 - confirmation of acceptance of any evidence that is not being challenged.
42. If appropriate, and on a case by case basis, the student may be removed from clinical placement pending the outcome of any determination.
43. A date will be set for the student to respond to the Notification, which will be not less than 10 working days from the Notification letter via their University e-mail account. A panel will not normally accept further evidence from the student following this date.

Hearing

44. The Chair of the panel will not have been involved in the investigation process. The investigator will set-out LST's position in terms of the FfP matter. The investigator will then be available for factual evidence enquiries but will not be part of any deliberations nor the decision-making process.
45. Where there is a need for a panel to meet, the Student will be invited to attend and may wish to be accompanied by a representative who may be a friend, a representative of a professional union or a representative of the LST. Legal representation is not permitted. (The guidance in Appendix 2 provides further information on the nature of support that can be sourced).
46. If a Student chooses not to attend a hearing it will proceed to a conclusion. The Student can apply for a deferral by providing reasons to the FfP Administrative Officer at least 48 hours prior to the hearing. It will be at the Chair's discretion whether to grant a deferral.
47. For all panels, virtual and actual, members and Students will be provided with the same information and documentation which will be circulated in advance of any hearing. The hearing will consider evidence provided related to the referral but may also consider new evidence that emerges in the hearing that has a bearing on the FfP of the Student. The Student will be given an opportunity to address any such emergent evidence.
48. It will not be expected for witnesses to an alleged FfP issue(s) to attend the panel meeting, unless there has been notification that their evidence has been challenged. Otherwise, their signed statements will suffice. Normally, a panel meeting will be held within 20 working days of the 'notification' letter to the student. Following a panel meeting, a formal outcome letter will be issued to the student within 5 working days.
49. Panel arrangements/meetings are dependent on availability of appropriate members, but the target will be to arrange the meeting within 20 working days of the referral to the FfP Officer.
50. The Chair will retain a casting vote should the panel be unable to agree a unanimous or majority decision.
51. All case outcomes are reported back to, and monitored by, the FfP to aid consistency of approach.

Outcomes of referrals to FfPP

52. The panel will follow the general principle of proportionality for decision making, imposing sanctions on the basis of the nature of any FfP determination.

53. The panel who is considering whether the FfP of an applicant for a professional programme is impaired can make one of 2 decisions:
- A recommendation that a place on a professional programme is offered. This offer will be made conditional on all other entry requirements being met; or
 - A recommendation that a place on a professional programme is refused or terminated.
54. A FfP Case-panel, responsible for considering whether the FfP of an 'impaired' student who has not yet fully met the conditions of their offer, can make the decision based on:
- whether the FfP of a Student who has been referred to the panel is impaired on the grounds of inappropriate conduct and/or competence or other reasonable grounds such as are covered by this policy and accompanying appendices;
 - whether the FfP of a Student is impaired due to health/disability and the panel have had independent verification of that health or disability issue.
55. Based on this, the panel can make one of following decisions, guided by the principles of proportionality and considering sanctions on a stepped approach (i.e. increasing in severity according to the nature of the determination):
- the Student may continue without any further action; or
 - recommend that the Student is allowed to continue on the T & C programme with specified conditions and review dates; or
 - suspend and/or interrupt the Student pending specified conditions are met within a defined time-line; or
 - recommend that the Student is withdrawn from the T & C programme. In this case the applicant/Student will be invited to discuss their options for transferring to another non-professional programme.
56. In certain circumstances, when conditions have been attached to continuation on the programme, Students may be asked for their permission to share these conditions with a clinical placement provider and, if permission is not granted, the Student may not be able to continue on the programme.
57. Where it is in the Student's interest, following completion of the panel procedure, the Chair of the panel may choose to provide a brief verbal summary of the determination of the hearing but is not obliged to do so. A determination email will follow, normally within 5 working days of the panel meeting which will provide detail of the panel's findings related to the relevant professional codes and guidance, providing reasons or their judgements.
58. Students will have the right of appeal against any determination of FfP in accordance with the procedure below.
59. The letter sent to the Student advising them of the panel decision should provide further information regarding rights of appeal.

Appeal Process

60. A Student has the right to appeal against a decision of the FfPP. The Chair of the FfPP, or a member of the School Executive, will determine if the grounds for appeal are justified. All appeals must be made through the FfP assigned person (T & C administrator). An appeal must be submitted within 15 working days of the date that the outcome letter was e-mailed/sent to the Student.
61. An appeal against a decision of the FfP panel can only be made on the grounds that:
- The FfP process, including any consideration of proportionality in the determination, was not run in accordance with the agreed policy.
 - There was an administrative error affecting the outcome.

- There is additional and relevant evidence that was not seen or was not available at the time the decision was made.
62. In the case of an appeal being allowed by the School Executive member, the FfPP will convene an appeal's panel to review the original decision in the light of any new information. The membership of the appeal's panel will include those with appropriate professional knowledge, a non-professionally member and one representative of T & C lecturers and tutors' team.
 63. Documentation from the first FfPP will be reviewed alongside any new evidence. The Student will be invited to attend, but attendance is not mandatory. The Student may be accompanied by a friend, professional union representative or representative of LST. Legal representation is not permitted. If the student chooses not to attend, then the panel will make a decision based solely on the evidence submitted. It should be noted that an appeal panel may uphold the original decision.
 64. Where there is any potential conflict of interest, the FfPP for the appeal process will be independently chaired by senior academic member.
 65. Following the outcomes of the appeal, unless there are further outstanding matters to consider under the LST's regulations, a Completion of Procedures letter will be provided as required by the Office of the Independent Adjudicator (OIA).

Fitness to Practise Policy - Appendix 1

BACP PROFESSIONAL PROGRAMME AND PRINCIPLE FOR RECRUITMENT STUDENTS

1.0 Intro

The T&C programme equips Students for counselling practice and therefore it is required that academic as well as clinical/professional standards are met when recruiting Students, to ensure that all Students on clinical/professional programmes are fit for the professional course. The programme needs to specify the underpinning recruitment policy and procedures clarifying the way that the selection is made, and these can be seen below in the 4 clear stages: information available to applicants, short-listing, interview and selecting process.

2.0 Information available to applicants

In addition to the information available to students across all programmes of London School of Theology, clear information should be provided to students applying for the T&C programme. This includes:

- Academic requirements for entry to the T&C as described by the Engagement Team;
- Requirements for University Testing;
- Requirement for full disclosure of DBS; and
- Requirements to meet the BACP professional standards of conduct.

3.0 Short-Listing

Clear criteria for short listing must be provided as the process needs to be consistent.

4.0 Interviewing

This should be preceded by the submission of the application which will be provided to the interviewer. The Engagement Team should clearly state:

- The type of interview;
- Who will be involved in the interview;
- Time and date of the interview;
- How long the interview will take; and
- Steps that will be followed after the interview.

5.0 Selection of students

The Engagement Team will clarify how the decision will be made and documented through:

- The method of selection;
- Requirements to recruit ex-offenders - if they have met the acceptability criteria;
- Making conditional offers and what are the conditions;
- At which point the conditional offer becomes unconditional; and
- The penalties for non-disclosure of information during the application or interview process.

Fitness to Practice Policy - Appendix 2

GUIDELINES ABOUT FITNESS TO PRACTISE WHEN CONCERNS ARE RAISED

1.0 Intro

London School of Theology's (LST) expectations of students' behaviour are highlighted in the ABC document. However, the T&C department has additional requirements which apply to those enrolled in the programme. The students on the T & C will need to meet the professional requirements as highlighted by BACP Ethical Framework. The T & C Department at LST, the Students' clinical supervisors, lecturers, clinical managers and placement managers oversee the fitness to practise of the student counsellors and the Fitness to Practise Panel can ask these individuals at any point to assess the Students' suitability for the course. Any concern can be raised to the Fitness to Practise Panel.

The aims of the Policy are:

- To protect vulnerable individuals;
- To protect the public;
- To uphold BACP professional standards;
- To maintain public confidence in the REMA counselling; and
- To support Students

2.0 Fitness to practise concerns

There are 3 main categories for fitness to practise concerns:

- **Competence:** This is mainly evaluated by the assessment process. However, it can also be evaluated by the students' supervisors and clinical managers in their placements. If issues of competency and/or unsafe practice occur within a training placement and prior to the final assessment of the student, then a fitness to practise investigation may be required.
- **Conduct:** If students choose not to follow BACP professional ethical guidelines they may be guilty of misconduct – this may be reflected in a disciplinary action, complaint, criminal caution or conviction. That concern of misconduct can be raised by service users, placement managers, supervisors, faculty, staff or/and other Students.
- **Health:** Good health is vital in order to be able to enrol in the course especially mental health and wellbeing in order for the student to be an effective and safe practitioner. Concerns may be raised if there is a long-term untreated mental health or physical condition, including abuse of any substance.

3.0 The FtP Process

There are 4 stages:

3.1 Raising Concern

If a concern has been raised regarding the Student's FtP, the FtP panel needs to inform the student about exactly what the concern is. An investigation will be carried out, usually with the Programme Leader and another member of the faculty. The Student will have the opportunity to discuss the concern(s) that has been made and also provide statements and any other supporting evidence. The Student under investigation will also be advised about the support that can access during that period of investigation and a copy of the report will be given at the end of the investigation. In exceptional cases, the Student might be asked to defer the counselling practice if there is any risk involved to the Student or to others.

3.2 Investigation

The investigation process will be normally supervised by the Programme Leader or the Academic Secretary. At this stage it will be considered whether the concern in regards to FFP has grounds or whether it requires another procedure. This stage should be completed within 20 working days. If this is not possible, all parties involved in the concern need to be informed when the investigation will be completed.

3.3 Referral

If a formal referral is made to the FtP panel as a result of investigation the Student will receive a formal notification within 5 working days from the Programme Leader, outlining the cause of concern, the evidence that will be considered and identify the dates of the meeting(s). At that stage the Student will be asked to submit a reflective statement and any other evidence

that the Student wishes for the panel to consider or which he/she wishes to challenge. The response to the concern should occur within the date that FtP panel set, and all the communication should occur through the LST account. The Student has the right to attend the panel in person but must state this at the time of responding to the Notification letter.

3.4 Panel meeting

If a panel meeting is arranged, and should the Student attend, the panel members will be introduced to the Student and the primary investigator will highlight the cause of concern and the evidence to support this. The Student will have the opportunity to state his/her case and the can have a representative with him/her. The panel will ask questions to explore and clarify any matter of concern. Following the panel meeting the panel will make a decision within 5 working days and produce a report to explain to all relevant parties the decision. The possible outcomes could be:

- The fitness to practise is not impaired and therefore the Student can continue with the studies and/or counselling placement. This may be conditional on the Student meeting certain requirements; or
- The fitness to practise is temporarily impaired. This might require an interruption of studies with requirements and timescales stipulated; or
- The fitness to practise is permanently impaired, and as a result the studies will be terminated. The Student will also be advised of options to be transferred to a non-professional programme.

In certain circumstances, when conditions have been given to continue the programme, the Student will be asked to give consent for these conditions to be shared with the clinical supervisor and/or the counselling placement manager. If consent is not given, then the Student might not be able to continue the programme.

Fitness to Practice Policy - Appendix 3

PRO-FORMA STATEMENT OF EVIDENCE

London School of Theology
Fitness for Practice - Evidence Statement

Student name to which this evidence refers to:

Student's number (if known):

Position/role:

Contact details:

The 'statement'

[Please provide a consistent account of the evidence including dates where possible and focusing on the Fitness to Practise issue(s) for concern(s). Please be aware that this statement could be used in any Fitness to Practise case]

Appendix 4 (a)

Investigation approach

The London School of Theology adopts the ASPIRIN model as acknowledged by Manchester University and Fieldfisher Law Firm.

- A:** Assess the concern and gather evidence
- S:** Subject Interviews
- P:** Pose appropriate questions
- I:** Information collection
- R:** Review the collected information (re-investigate if needed)
- I:** Initiate a referral
- N:** Notify relevant professionals

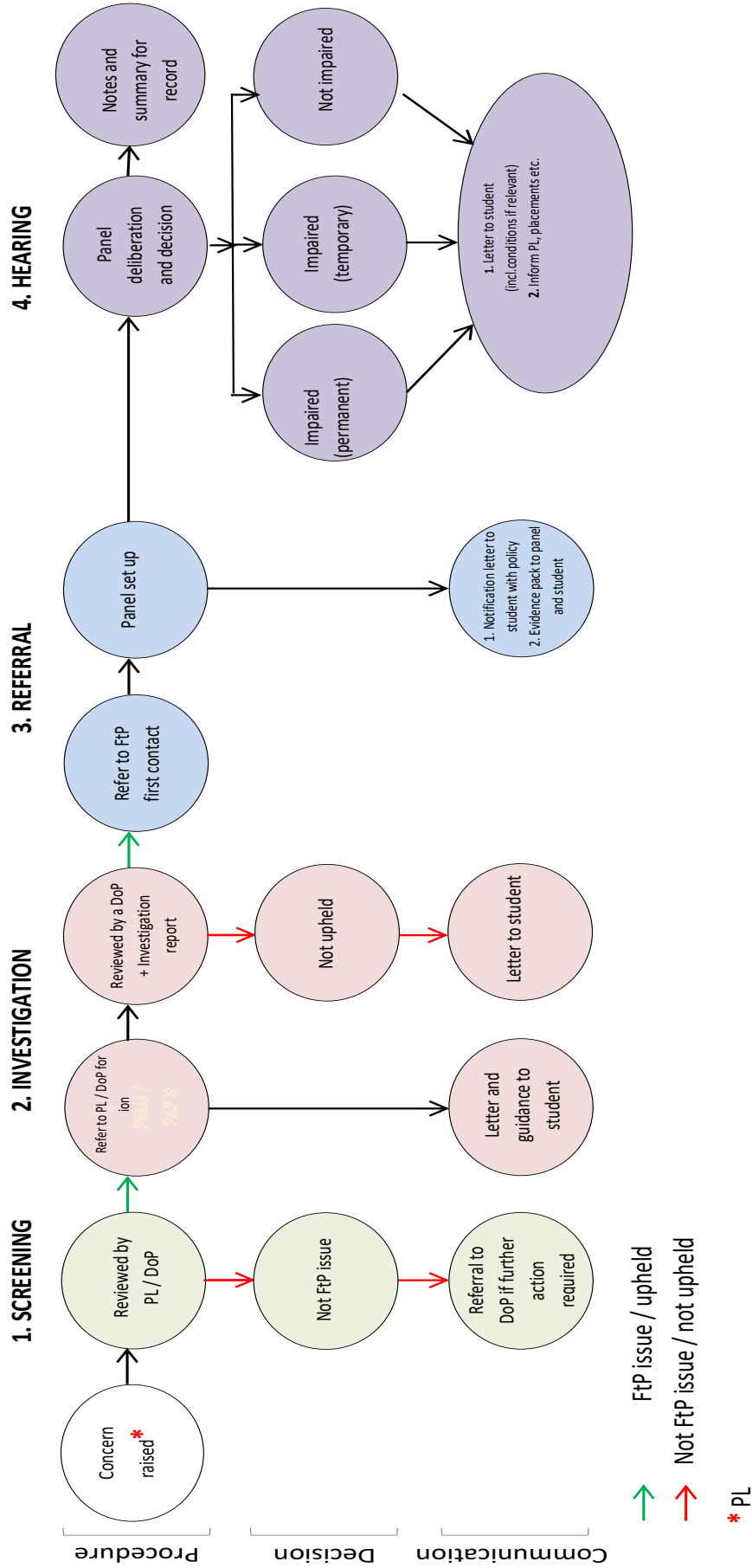
Appendix 4 (B)

Investigation Report

The following can be used to create the investigation report:

1. Outline of the Student, the programme stage of the study, past results, attendance and other relevant academic information.
2. Details of the Student's fitness to practise concern.
3. A review of all the collected evidence, witnesses' interviews and statement received with a summary of the key points.
4. Contributory and mitigating factors on behalf of the Student, which may be considered as part of the determination.
5. The implications for the Student's future in the programme.
6. Recommendations to the case-panel.
7. Suggested communication process to all relevant parties.

Appendix 5
Fitness for Practice Process



15 working days for electronic version	10 working days appeal available but must be submitted within
20 working days where hearing is required	15 working days of date of outcome